

Judicial ethics oversight too weak

Written by Lo Cheng-chung 洛成忠
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On Monday last week, the Judicial Yuan released an initial report on judicial personnel who were involved in the corruption scandal surrounding Chia Her Industrial Co president Weng Mao-chung (翁茂忠), saying that among the more than 200 civil servants involved in the case, a total of 20 judicial personnel might face punishment.

Before the report's release, media revealed that as several dozen judges and prosecutors were implicated in the scandal, the Judicial Yuan had lowered its ethical standards to let them off.

To avoid punishing too many judges and prosecutors, the Judicial Yuan decided to not prosecute those who were not involved in Weng's trials, and had been treated to less than five meals by him and accepted no more than three shirts or boxes of diet supplements from him.

It is only acceptable for civil servants in a judicial agency to sporadically accept gifts and only if it does not affect their specific rights and obligations, the Ministry of Justice's Ethics Guidelines for Civil Servants (公務員廉政倫理規範) stipulate.

Additionally, the value of a gift must not exceed NT\$500 when given to individuals or NT\$1,000 when given to several persons within a judicial agency, the guidelines stipulate.

Even when a gift is not given directly to a civil servant in a judicial agency, if its market value exceeds the limit, they must report it to their supervisor within three days after receiving the gift and, under certain circumstances, also notify their agency's ethics office.

Temporarily lowering the ethical standards places judges and prosecutors at the same level as general civil servants, for whom ethics standards are defined in the Service Act for Civil Servants (公務員服務法).

Following this rule change, judges who were not involved in Weng's trials, but accepted gifts from him could perhaps be let off if the gifts had a total value of less than NT\$500.

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Anyone with a little bit of common sense understands that the kind of high-quality shirts the tycoon would gift, and those noble judges and prosecutors would consider accepting, are worth several times more than the limit stated in the ethics guidelines.

What exactly is the reason behind the Judicial Yuan's decision to lower ethical standards, and who exactly made the decision? It would be very interesting to know the answers.

The ministry's ethics guidelines were implemented in June 2008 under then-president Ma Ying-jeou (馬英九), and they do not set very high standards.

Considering the overall development of the judicial system, the government has on the one hand set the admission rate for judicial offices as low as 1 percent, making it extremely difficult for talented young people to enter the system. On the other hand, the government tolerates certain unethical senior judges who should have been eliminated from the system a long time ago.

Is this "anti-legal" ethic that turns right and wrong on its head the kind of message that the Judicial Yuan wants to convey to the world?

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Translated by Eddy Chang

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